

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION**

CATINA WEATHERSPOON,

Plaintiff,

VS.

No. 24-1186-STA-jay

WISE COMPANY,

Defendant.

**ORDER ADOPTING REPORT AND RECOMMENDATION
OF MAGISTRATE JUDGE FOR DISMISSAL OF RETALIATION CLAIM
AND DIRECTING SERVICE OF PROCESS ON DISCRIMINATION CLAIM**

Before the Court is the United States Magistrate Judge's report and recommendation that the retaliation claim alleged in the complaint be dismissed *sua sponte* and service of process be issued on Plaintiff's race discrimination claim. Magistrate Judge Jon A. York submitted his Report and Recommendation on October 15, 2024. (ECF No. 7.) Plaintiff has not filed objections to the Magistrate Judge's Report within the requisite time. When a party objects within the allotted time, the Court "shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b) (1); *see also* Fed. R. Civ. P. 72(b). However, the Court need not review those aspects of the report and recommendation to which no specific objection is made, as in the present case, and may adopt the findings and rulings of the magistrate judge without further analysis. *Thomas v. Arn*, 474 U.S. 140, 150, 155 (1985).

Having reviewed the Magistrate Judge's Report and Recommendation and the entire record of the proceedings, the Court hereby **ADOPTS** the Report and Recommendation in its

entirety. The Court finds that Magistrate Judge York correctly determined that the retaliation complaint should be dismissed pursuant to Rule 12(b)(1) because Plaintiff failed to make any factual allegations against Defendant and failed to articulate any cause of action, while the racial discrimination claim should go forward.

Because Plaintiff's racial discrimination claim satisfies the screening standard under 28 U.S.C. § 1915(e)(2)(B)(ii), the Clerk is **DIRECTED** to issue process for Defendant and deliver that process to the U.S. Marshal for service along with a copy of the complaint, the report and recommendation, and this order. Service shall be made on Defendant pursuant to Federal Rule of Civil Procedure 4(c)(3) with all costs of service to be advanced by the United States.

IT IS SO ORDERED.

s/ S. Thomas Anderson
S. THOMAS ANDERSON
UNITED STATES DISTRICT JUDGE

Date: November 5, 2024